

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: John Guzman	Team: Squad #4	CCRB Case #: 201905699	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 06/28/2019 2:50 PM	Location of Incident: § 87(2)(b)	Precinct: 32	18 Mo. SOL 12/28/2020	EO SOL 8/14/2021	
Date/Time CV Reported Fri, 06/28/2019 3:05 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 06/28/2019 3:05 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Steven Curatolo	14944	956561	032 PCT
2. POM Daniel Gines	19125	958634	032 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Fengguang Lin	17283	966668	032 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Steven Curatolo	Abuse: Police Officer Steven Curatolo stopped an individual.	
B.POM Daniel Gines	Abuse: Police Officer Daniel Gines stopped an individual.	

## Case Summary

On June 28, 2019, § 87(2)(b) an independent witness, called the CCRB and filed this complaint on behalf of an unidentified male individual. The investigation was unable to identify the unidentified male.

On June 28, 2019, at approximately 2:50 p.m., Police Officer Steven Curatolo, Police Officer Daniel Gines, and Police Officer Fengguang Lin arrived outside § 87(2)(b) in Manhattan to address a family dispute. PO Curatolo, PO Gines, and PO Lin observed an unidentified individual exiting the building. After addressing the family dispute, the officers exited the building and again noticed the unidentified male entering a building. PO Curatolo and PO Gines allegedly stopped the unidentified male (**Allegations A and B: Abuse of Authority**, § 87(2)(g))

The unidentified male was neither summonsed nor arrested as a result of this incident.

The investigation obtained one video recording related to this incident from PO Gines' body-worn camera.

## Findings and Recommendations

**Allegation A: Abuse of Authority – Police Officer Steven Curatolo stopped an individual.**

**Allegation B: Abuse of Authority – Police Officer Daniel Gines stopped an individual.**

§ 87(2)(b) stated (Board Review 01) he was walking within the apartment complex when he observed an unidentified male run and saw one or two uniformed officers chase after the unidentified male. A third officer ran after them shortly after. They all passed § 87(2)(b) while running. § 87(2)(b) did not see what happened prior to the unidentified male and the officers running. The officers approached the unidentified male and spoke to him. Other unidentified males approached as well. § 87(2)(b) stood approximately 50 to 75 feet away, so he could not hear their conversation except something along the lines of the unidentified male asking the officers, "Why are you chasing me?" and the officers responding, "You were acting suspicious. You were moving away from us whenever we got close to you. Don't act suspicious." § 87(2)(b) did not recall which officer told the unidentified male that he was acting suspiciously. The conversation was "pretty" quiet and lasted approximately five minutes. The unidentified males walked away during the conversation.

The investigation was unable to identify the victim of these allegations and was therefore unable to obtain a statement from him.

PO Gines' body-worn camera footage (Board Review 02) begins with PO Gines walking in the apartment complex courtyard. There is no audio for the first minute. PO Curatolo walks directly in front of PO Gines. At 00:02, PO Curatolo passes five female civilians on benches. It is unclear if there is any conversation between officers and the female civilians on the benches. At 00:18, PO Gines enters an apartment building and jogs through the lobby. At 00:35, PO Gines exits the apartment building through another door. Between 00:40 and 00:55, PO Gines jogs up a ramp and through an exterior pathway. At 00:55, M1, a black male (wearing a black bandana, a white wife beater, and pants) is visible and standing on the pathway. M1 and PO Gines walk along the pathway towards each other and both stop at 01:00. M1 asks PO Gines, "What happened?" PO Gines responds, "You live here bro?" M1 responds, "Yeah." PO Gines asks M1, "You got your ID on you?" M1 states, "No. My step-pop is right there," and points

towards the right of the screen. Only PO Lin is visible on the right side of the screen and walking towards PO Gines and M1. PO Gines asks, "Why are you walking through all the buildings for?" M1 replies, "Because you're all following me." PO Gines responds, "We are not following you." PO Gines continues, "When you walk out of every building, it's a problem. You understand?" M1 replies, "I live here." An unknown male voice repeats, "You got ID?" At 01:16, a second black male (wearing a black t-shirt and gray sweatpants), M2, approaches. M1 states that M2 is his brother. M2 states that M1 is his little brother. Both M1 and M2 point to the right of the screen and say, "That's my father." At 01:25, a black male (wearing a pink t-shirt, camouflage pants and a cap), M3, approaches. PO Curatolo asks M3, "Do you know him?" and points back towards M1. M3 says yes. PO Curatolo asks where they all live and M3 points at a building to his right and says, "Right here." PO Curatolo explains, "We don't know what's up with him," and points towards M1. PO Curatolo continues, "He sees us. He turns around. He starts looking at the other way..." PO Gines interjects, "And then you say we're following you. We weren't following you. Every time you saw us, you decided to just..." M1 interjects, "Cause y'all are following me." PO Gines continues, "No, we went upstairs bro. Every time you saw us, you went that way," and points to the right. During this exchange, PO Curatolo speaks with M3, but his statements are undecipherable. At 01:52, M3 says, "Yes, come on," and waves to M1 motioning him to follow. The males walk away.

PO Gines stated (Board Review 03) that he, PO Curatolo, and PO Lin responded to a call of a family dispute at an apartment within the apartment complex. The officers arrived and PO Gines observed the unidentified male exiting the building as soon as officers walked into the building to head to the location of the call. PO Gines, PO Curatolo, and PO Lin went to the location of the family dispute and remained there for approximately 20 minutes. PO Gines, PO Curatolo, and PO Lin then exited the building. PO Gines then observed the unidentified male entering another building within the apartment complex. PO Gines only saw the door open, and did not see any key fob, as the unidentified male entered the building. A woman sitting on a bench told the officers that the unidentified male did not belong there. The unidentified male continued walking and then entered a different building within the apartment complex. PO Gines determined the unidentified male did not belong in that building because he had entered two different buildings beforehand and a keyfob, required to enter the buildings, allows entrance into only one building. PO Gines believed the unidentified male was trespassing.

PO Gines added that he did not have any conversation about approaching the unidentified male with PO Lin and PO Curatolo, but PO Gines and the officers began following the unidentified male. The unidentified male increased his walking speed ahead of the officers. PO Gines jogged in order to catch up to the unidentified male, but he did not give the unidentified male any instructions. The unidentified male then turned around, walked up to PO Gines, and asked what was going on. PO Gines asked the unidentified male for identification. The unidentified male said he did not have any identification. PO Gines asked if the unidentified male lived there and the unidentified male said yes. PO Gines asked the unidentified male if he had anything on him that proved he lived there. Simultaneously, two other males, who identified themselves as the unidentified male's father and brother, approached. The unidentified male's father stated that the unidentified male lived in the apartment complex. PO Gines and PO Curatolo then ended their interaction with the unidentified male.

PO Curatolo's statement (Board Review 04) was generally consistent with PO Gines' statement with the following exception. One of the women sitting on the bench told the officers that she did not recognize the unidentified male and asked officers to tell the unidentified male to leave. PO Gines called out to the male and the male did not stop walking.

PO Lin's statement (Board Review 05) was generally consistent with PO Gines' statement.

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- This is the first complaint involving § 87(2)(b) (Board Review 06).
- PO Curatolo has been a member of service for 5 years and has been the subject of 5 other complaints and 10 allegations, none of which were substantiated. § 87(2)(g)
- PO Gines has been a member of service for 4 years and has been the subject of 2 other complaints and 2 allegations, none of which were substantiated. § 87(2)(g)

### Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- On October 16, 2019, a FOIL request was filed with the New York City Office of the Comptroller for a record of a Notice of Claim and results are pending.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date